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ABSTRACT

The 1978 lawsuit between the Columbia, Missouri, "Daily Tribune" and the University of Missouri concerning Sunshine Laws, while singular and specific, is of concern to all news organizations. When "Tribune" reporter Randy McConnell was denied access to the University's audit reports and other documents and was forbidden to attend an informal dinner meeting of the University's governing Board of Curators, the "Tribune" filed a lawsuit against the University citing violation of the state's Sunshine Law. The lawsuit turned out to be a time-consuming challenge as the University delayed the litigation through a series of denials and appeals, citing exemption from the law. It was not until 4 years after the paper first filed suit that a circuit court judge upheld McConnell's belief in openness and Missouri's Sunshine Law. It was not until 3 months after that decision that the University, facing contempt charges and public pressure, began to open its meetings. That process, however, has been formally stayed pending appeal of the circuit court's decision. The Missouri state legislature has since approved a major rewrite of the Sunshine Law, which strengthened the law in several respects but exempted social meetings of public governmental bodies from its provisions. It is clear, however, that if a governmental body questions the applicability of such a law, the issue can be tied up in courts for an extended and costly length of time. (HTH)

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SCHOOL OF JOURNALISM, UNIVERSITY OF MISSOURI AT COLUMBIA
NOVEMBER, 1982

COLUMBIA DAILY TRIBUNE V. THE CURATORS OF THE UNIVERSITY OF MISSOURI: A CASE STUDY

FREEDOM OF INFORMATION CENTER REPORT NO. 465

This report was written by Phyllis C. Watt, a master's candidate at the University of Missouri School of Journalism.

Editor's note: America has been characterized as an overly "litigious" society. The social grace of tradition and compromise, it has been said, has been replaced by the race to the courthouse. Although memories of the past may well obscure the limitations of older informal processes, it is certain that a price has been paid for the sureness of the law.

As this report makes clear, a news organization attempting to enforce a state's sunshine law must be prepared to pay a price in time and money when it runs head-on into a governmental body with a different view of the law.

This report is a case study about a lawsuit between a state University and a newspaper in Columbia, Missouri. The facts, the sunshine law involved, the personalities and the history of the two bodies' relationship are necessarily specific. It is that specificity, though, that tells a story of concern to all news organizations. For while the details of such encounters around the country differ, it is the common frustrations, costs and burdens borne by the press that are the real story, for they are the price paid to keep government open.

'But in the end, the public that funds M.U. (University of Missouri), the press that covers it and the officials that govern it can benefit from the state's openness requirement. . . . Besides, it's the law.'

Randy McConnell, a reporter for the Columbia (Missouri) **Daily Tribune**, ended a commentary about the question of open meetings and records in Missouri with those words on Feb. 5, 1978. He had been denied access to several records at the University of Missouri at Columbia and had been forbidden to attend an informal dinner meeting of the Board of Curators, the University's governing board. His newspaper took the University to court.

It has been a time-consuming challenge. It wasn't until four years after the newspaper first filed suit that a circuit court judge upheld McConnell's belief in openness and Missouri's Sunshine Law. It wasn't until three months after that decision that the University, facing contempt charges and public pressure, began to open its meetings. And that opening process has been formally stayed pending appeal of the circuit court judge's decision.

Meanwhile, the state legislature approved on June 17, 1982, a major rewrite of the Sunshine Law. While the revised version is not the subject of the **Tribune**'s lawsuit, several of its new provisions deal with issues raised in the lawsuit.

The University still has not fully adopted openness as official policy. **Tribune** publisher Henry J. Waters III, noting the University's propensity to "appeal until the last dog's dead," doesn't believe the University will give up the access battle without a few more legal skirmishes.

It's those skirmishes that often typify government behavior when an access statute is being contested. Although statutes formally provide access to government records and meetings in many states, the practical extent of access often can be limited or delayed by the officials involved.

This report details one case study of the barriers that can confront a news organization testing a state's access law. The test resulted in the lengthy litigation of **Tribune Publishing Company v. The Curators of the University of Missouri**.

Summary

A reporter's request for access to meetings and records at the University of Missouri at Columbia leads to a lengthy lawsuit testing that state's Sunshine Law and a newspaper's endurance.

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LEARNING THE UNIVERSITY BEAT

Randy McConnell, who now works as a state capital reporter for the **Missouri Times**, laughed when asked about the longevity of the lawsuit he helped to start: "Their version of legal representation at the University consists of delaying the impact of the law as long as possible."

Indeed, the University had appealed other cases in the 1970s — a case of a student expelled for writing indecent speech in a handbill; of a homosexual student group denied recognition by the administration; and of religious groups denied the right to assemble on campus. The University appealed those cases to the U.S. Supreme Court before accepting defeat.

In the **Tribune**'s suit, internal matters at the newspaper and the delays inherent in litigation have kept the case alive after more than four years.

The battle began in January 1978 when McConnell, who had recently received his master's degree in journalism from the University, began working for the **Tribune** as a University-beat reporter. To learn more about the University's operations, he decided to study its internal audits.

McConnell had worked for three years in the Missouri state auditor's office and assumed that the state's Sunshine Law applied to universities as well. To his dismay, he was denied access to the University's audit reports by Harold Boyer, director of interal audits. Boyer told McConnell that the release of audit information might make University staff less willing to supply accurate information in future audits.

McConnell took his request to James Bucholz, vice president for administrative affairs, who directed him to Guy Horton, director of information services. McConnell recalls that when he asked Horton what the school's policy toward the Sunshine Law was, Horton said the University had not developed a policy. When McConnell addressed the question to James Olson, University president, Olson replied, "I can't comment on the legalities. That has to be decided in a court of law."

THE TRIBUNE ENTERS THE COURTROOM

Even before Olson uttered those prophetic words, the **Tribune** had decided to challenge the University's policy toward the Sunshine Law. In the three-week interval between his initial request for the audit reports and his interview with Olson, McConnell had sought, and been denied, two other University documents. He had tried to obtain from Bucholz a hospital task force report on the governing and financing of the University Medical Center. The administration refused to release the report because it contained personnel information.The University also withheld a consultant's feasibility report about raising funds for a medical school library.

In addition, McConnell attended a Board of Curators meeting at which University Chancellor Herbert Schooling referred to "what we discussed last night" at an informal dinner at his home for the curators. The media were not invited to such dinners or informal meetings, which the curators claimed were purely social functions.

News of McConnell's troubles reached Waters, who decided it was time to test the five-year-old Sunshine Law. Waters was interested in more than specific records for a particular story. He hoped to pull the University, one of the largest public agencies in the state, into the open. As he wrote in a **Tribune** editorial, "The lawsuit is intended to get guidelines for that transition (to openness)."

On Feb. 22, 1978, the **Tribune** filed a petition in Boone County Circuit Court for a declaratory judgment and injunction against the University. Named as defendants were the Curators of the University, President James C. Olson and Chancellor Herbert Schooling.

In the petition, the newspaper asserted that McConnell had been denied access to documents and meetings that should be open to the public under the provisions of Chapter 610 of the Revised Statutes of Missouri. The petition asked the court to make public those documents, to open up the closed meetings, and to open for inspection the following list of documents:

- memoranda related to official business of the University,
- staff reports,
- reports of task forces appointed by the chancellor, president or other responsible officials,
- internal audits,
- correspondence related to the transaction of business or communication of decisions,
- the agenda, minutes and written reports presented at meetings of the University Resource Council and other advisory groups to the president and responsible officials,
- financial reports of revenues and expenditures of state appropriations, internally generated funds and federal and private grants,
- reports from federal agencies on audits of funds expended by the University,
- reports from accrediting agencies that have reviewed academic or other programs at the University,
- reports by private firms under contract to the University,
- budget preparations, worksheets and written reports, and
- similar records of auxiliary enterprises, including the athletic department, medical center, student government and other student-fee-supported activities, and student-faculty committees.

THE UNIVERSITY RESPONDS

The University filed a motion to dismiss the newspaper's petition. On March 30, 1978, the University's legal counsel argued that McConnell had not exhausted all available administrative remedies because he had not asked the Board of Curators for access to the disputed records and meetings. Counsel also argued that because the **Tribune** had not alleged that the University had a policy regarding the Sunshine Law, the newspaper could not assume the University would continue to violate the law, and thus was not entitled to injunctive relief.

The motion for dismissal further asserted that the access law applied only to the Board of Curators, not to administrative officers such as the president or chancellor — an argument that was to become the crux of the University's defense. Finally, counsel picked apart the wording of the

Tribune's petition: Is a reporter an authorized agent or employee of the plaintiff? What year do the requested audit reports describe? Do the documents listed by the newspaper exist?

Boone County Circuit Judge Frank Conley overruled the University's motion for dismissal and ordered the University's counsel to respond to the newspaper's petition.

On May 23, the University submitted its answer. McConnell had not been denied legal access, counsel argued, because neither the meetings nor the records involved were "public." The University was not subject to the Sunshine Law, it was argued, and any attempt to enforce the law against the University would infringe upon the powers of its governing body, the Board of Curators. That body, and its committees, are the only University bodies subject to the state's access law, the University's counsel asserted.

STOPS AND STARTS

Just as the suit appeared to gather steam, the **Tribune** decided not to pursue the case for a while. Waters said he became involved in other projects. At about that time, another newspaper, the Fulton (Missouri) **Daily Sun-Gazette**, sued Waters for anti-competitive business practices. Waters owned a competing newspaper in Fulton. That suit was settled in 1981 when Waters purchased the **Daily Sun-Gazette**.

In May 1980, **Tribune** attorney Terence C. Porter opened the University case again with a request for the three documents McConnell had initially requested. McConnell had since become a state capital reporter in Jefferson City. One of the defendants, Chancellor Schooling, had left the University. Yet the question of access remained. The request for the documents stirred the University's attorneys to action.

Porter wanted to use the documents denied to McConnell to prepare the newspaper's case. That suggestion angered the University's attorneys. "The genie cannot be put back in the bottle," one wrote in a response to the request for documents.

The University feared that once the newspaper's attorney had possession of the coveted documents, the information would go straight onto the news pages. "The real issues in the case, such as whether defendant, the Curators of the University of Missouri, is subject to Chapter 610. . . , whether any of these documents are 'public records' etc. will never be litigated," the University charged.

After some discussion, the parties agreed to a protective order prohibiting the **Tribune**'s attorney from showing the records to his client.

With interrogatories filed and answered, the **Tribune** and the University set about preparing for the Dec. 9, 1980, trial date. Another delay arose, though, when a witness for the University, Dr. Melvin George, vice president for academic affairs and chairman of the hospital task force, had to travel to the People's Republic of China. The case, by that time now three years old, finally had its day in court on March 10, 1981.

THE UNIVERSITY'S POSITION

The statute at the center of contention is the 1973 open records and meetings law, Chapter 610 of the Revised Statutes of Missouri. The chapter defined a "public governmental body," a "public meeting" and a "public vote," and then said: ". . . all public meetings shall be open to the public and public votes and public records shall be open to the public for inspection and duplication."

The chapter then specified five exemptions to the requirement for public access and granted state circuit courts authority to issue injunctions to enforce the provisions of the law.

The **Tribune** had argued in its initial petition that the University was subject to the Sunshine Law under the statute's definition of a "public governmental body":

> Any constitutional or statutory governmental entity, including any state body, agency, board, bureau, commission, committee, department, division or any political subdivision of the state. . . any committee appointed under the direction or authority of any of the above named entities and which is authorized to report to any of the above named entities. . . .

The University said in its trial brief that only the Board of Curators and the committees the board appoints — the Executive, Finance, Academic Affairs and Physical Facilities Committees — are subject to the law. Other officials, including the president, vice presidents and chancellor, are not subject to the law, the University contended.

In effect, the University was arguing that there are two separate entities — "The Board of Curators" and "The Curators of the University of Missouri," that one is the governing body and the latter is a separate public corporation, that Chapter 610 is applicable to the former but not to the latter.

Had the law meant to include administrative officers and employees, the University argued, the access law would not have qualified the description of "public governmental body." Extending the law to every employee and "paper, memorandum, note, document, etc. in the files of any employee of the University. . . " would be absurd, wrote University counsel Robert L. Ross, adding, "surely the legislature did not intend that the plaintiff's employees or any other person could move a desk into any office in the University or accompany Harold Boyer on his auditing rounds."

Such an intrusion, Ross wrote, would be an infringement upon the Board of Curators' consitutional power to govern, as granted by the state Constitution. Ross cited cases to back his contention that the University, as a constitutionally created body, was beyond the powers of the legislature.[1]

Regarding the Curators' social dinner meetings, the University denied that they were a "matter of board operating procedure." "On many occasions on the evening prior to a board meeting there have been dinners and luncheons on the day of the board meeting as purely social occasions at which no transaction or business pertaining to the University takes place," the University said.

The arguments for disclosure of the requested documents was not so easily dismissed. In the University's trial brief, Ross described the records in questions as "internal management tools." He did not cite an applicable exemption under the Sunshine Law for the contested documents. The access law allowed for the withholding of information dealing with:

- verdict deliberations of a judge or jury, meetings of a grand jury, juvenile court proceedings, and other specified court proceedings,
- the purchase, leasing or sale of real estate by a governmental body,
- meetings of the state militia or national guard,
- mental health; physical health; scholastic probation, expulsion or graduation; welfare case; or personnel proceedings, and
- meetings, records or votes closed by other statutes.

In its trial brief, the University argued that public records were only the records of meetings the Sunshine Law required to be open. Because the University interpreted the law to mean that only the meetings of the Board of Curators and its appointed committees must be open to the public, the documents McConnell had requested were not public records.

The University's brief listed the documents the Board of Curators makes available to the public, to demonstrate that the University was complying with the law as best it could.

The University tried to demonstrate the impracticality of releasing the requested documents. The audit reports, it was argued, were developed to assist the president and vice president for administrative affairs in managing the University. "The management responsibilities of President Olson and Vice President Bucholz would be seriously affected if full, frank and complete reports were not available to them," stated Ross. Audits director Boyer testified that such frank responses might not be given without an assurance of confidentiality. He feared the information for internal audits would be prepared for "public consumption."

President Olson gave similar testimony on the need for confidentiality in task force reports. The reports and advice he received from task forces might be less honest, he argued, if they were given with the knowledge that the public could inspect the findings.

The disclosure of the consultant's report on the funding of a medical school library would violate the privacy of those interviewed for the project, the University argued. The report, which studied the feasibility of a private fundraising drive for the library, included the names of people contacted as well as the dollar amount they pledged to contribute. Guy H. Entsminger, vice chancellor for alumni relations, testified "as to his long experience in private fundraising and that it was essential that prospective donors be assured confidentiality before being interviewed concerning a project."

THE TRIBUNE'S POSITION

On the other side, the **Tribune** asserted that all levels of the University were subject to the Sunshine Law. Newspaper counsel Porter argued that even though the 1945 Missouri Constitution granted the power to govern the University to the Board of Curators, the school is a "public governmental body" subject to the access law.

The University was initially created by the state legislature as a public corporation, and only later did the Constitution provide for the Board of Curators to govern it, Porter argued. He cited cases in which the Missouri Supreme Court rejected the University's argument of immunity from the legislature's authority.[2] Porter stressed that in none of the cases did the University cite a case where its claim of immunity had been upheld.

Porter criticized the nature of the University's arguments against the disclosure of the requested documents. He asserted that University had not based its arguments on a particular exemption, but rather on the inconvenience of access:

> All testimony of this type does is show why the law was enacted in the first place. These officials do not want the public to know too much about how they spend the publics' funds. After all, what business is it of the public to know whether the Curators and their agents are running the University properly?

Porter, in part, countered the University's argument that the Sunshine Law would interfere with the Board of Curators' duty to govern the University by citing an earlier suit against the school. In **Curators of the University of Missouri v. Public Service Employees Local 45**, it was argued that the state's Public Sector Labor Law should not apply to the Board of Curators because it interfered with the government of the school. The University lost the case.[3]

The paper further argued that the Board of Curators' dinner meetings fit the statutory definition of a public meeting: ". . .any meeting, formal or informal, regular or special, of any public governmental body, at which any public business is discussed, decided or public policy formulated."

Evidence at the trial showed that the January 1978 meeting McConnell had heard reference to included discussion of a Korean exchange program. Formal action was later taken to enter into the program.

A DECISION IS RENDERED

Boone County Circuit Judge John M. Cave considered the case for 10 months before announcing his decision on Jan. 20, 1982. Cave rejected the University's arguments and directed the institution to turn over the records sought by McConnell and to stop closing its meetings to the public and press. Cave, however, did not grant access to the long list of documents the **Tribune** included in its petition.

Specifically, Cave declared:

- The Sunshine Law did not infringe upon the Board of Curators' constitutional power: "There is no infringement upon the actual 'government,' but simply a requirement that the acts of government be conducted publicly."
- The University was a "public governmental body," and its officials, as agents of the Board of Curators, were subject to the access law: "Although the president and other officials have a multitude of other important duties, insofar as providing information from sub units of the entity concerned (the University) they are conduits. It is the information and the records that determine the public's right of access, and not the individual who produces or transmits the information."
- The meetings McConnell sought access to were "public" under the law: "It is not necessary that public business be decided or public policy formulated; it is sufficient if pub-

lic business is discussed."

Because the **Tribune** had not substantiated the existence of the general documents listed in its petition, the documents were not included in the injunctive order.

Two weeks later, the University changed the focus of its arguments from records to meetings. In a motion to "Correct, Amend, or Vacate" Cave's order, the University sought clarification on two questions: Are all employees of the Unversity agents of the Board of Curators? What constitutes a meeting?

The University has 5,000 academic employees and 15,000 other empolyees, Ross wrote in the motion. He said that under Cave's decision "it could hardly be contended that education at a tax-supported educational institution is not 'public business,' so it leaves us only to determine the meaning of meeting."

Ross said the University could not determine from the judgment precisely what meetings should be open. The original petition for an injunction had referred only to the informal dinner meetings of the Board of Curators. Could President Olson meet in private with his secretary or with a student's parents? Could two professors discuss problems about courses without falling under the aegis of the access law? The need for clarification was urgent, the University said, because. . .

> There is a vast difference between deciding what is a 'closed meeting' or 'closed record' when the penalty for a mistake could be a citation for contempt and making the same decision when it can be received by a court and a definitive interpretation received before an injunction issued.

Cave responded to the University's motion by instructing the **Tribune**'s attorney to propose a resolution. Cave signed the resolution on March 24. The resolution reiterated the judge's earlier ruling, stating that the public and press were entitled to "read, examine, inspect and duplicate the records used by (the Board of Curators and other University officials) in the governance of the University. . . and to attend meetings at which public business is decided or discussed and public policydiscussed and formulated."

CONTEMPT CHARGES ARISE

Less than a week later, the University closed a series of academic review meetings, a move that drove the **Tribune** to obtain contempt charges against the school. On April 1, University Provost Ronald Bunn announced plans to eliminate or severely cut back several academic programs. Committees to review the plans were to gather in closed meetings.

Students and faculty from the endangered programs, as well as the press, sought to open up the committee meetings. **Tribune** reporter Chris Conway said he sought permission to attend from Sharon Yoder, Director of University Relations and Public Information, but was denied access. On April 6, he and reporters from the University's journalism school's newspaper and television station were removed from a Council of Deans' meeting directed by Provost Bunn.

Two days later, the **Tribune** sought contempt charges against the University. Among those cited were Bunn, Yoder and the chairmen of the review committees. The University quickly responded by seeking to dismiss the new petition and by resubmitting its motion for clarification of Cave's initial ruling.

On April 15, University counsel Ross argued in court that the University holds hundreds of committee meetings weekly. The only meeting mentioned in the **Tribune**'s original petition was the informal Board of Curators' meetings. How could the University and its faculty members be held in contempt for closing a meeting when the court had not made clear which meetings should be open, Ross asked.

Porter, the newspaper's attorney, argued that the Board of Curators acts through its agents, so the review committees are subject to the Sunshine Law. He suggested a fine of $1,000 for every day the review meetings remained closed.

Judge Cave took the case under advisement. The next day the University opened the review committee meetings to the public. Ross said he advised the University to open the meetings to avoid any contempt citations: "I've been practicing law for 30 years and that's the first time I've ever had a client charged with contempt. We view it as a very serious charge."

The committee members soon faced televison lights and cameras at their morning meetings. One member of the Provost's Program Review Committee, Dick Dowdy, found that the presence of the press did not affect his openness at meetings. Another member, David West, said the media are a disruption, complaining of "cameras coming right up in your face and going click, click, click thirty times."

West, however, supported open meetings for the Faculty Council, which he chairs. The council, which had considered opening their meetings for several years, voted to do so one week after the University opened its review committee meetings. West said the council saw a need to communicate to the public during a time of academic cuts, which could affect much of the faculty.

Although **Tribune** publisher Henry Waters was pleased with the opening of the meetings, he said many professors and deans supporting open meetings during the academic review process would not have done so if their programs were not threatened.

Ultimately, contempt charges were not issued against the University. The University then appealed Cave's ruling to the Western District of the Missouri Court of Appeals in Kansas City. On May 20, 1982, Judge Hal Lowenstein stayed Cave's order mandating access to the University's meetings and records pending the resolution of the appeal. Briefs have been filed, but oral arguments have not yet been held. Porter expects a decision by February or March of 1983.

THE LEGISLATURE ACTS

As the lawsuit worked its way to the appellate level, the state legislature was busy considering amendments to the Sunshine Law. On June 17, 1982, it approved House Bill No. 1253. The amendments strengthened the access law in several aspects, while exempting social meetings of public governmental bodies from the provisions of the law.

Both the Missouri Press Association and Missouri Broad-

casters Association praised the revisions, especially the section allowing civil suits against public officials violating the law. That section was gained at the price of the section exempting social meetings of public governmental bodies.

Among the changes wrought by the legislature were:

- revising the definition of a "public meeting" to "not include an informal gathering of members of a governmental body for ministerial or social purposes when there is no intent to avoid the purposes of this chapter";
- adding an extensive section detailing the requirement for public notification of meetings. Notice of the time, date, place and tentative agenda of each meeting must be given in a manner reasonably calculated to inform the public. The section notes that making copies of notices to members of the news media and posting notices on bulletin boards clearly designated for such purpose are satisfactory ways to inform the public. In addition, notice must be given at least 24 hours before the meeting, and meetings should be held at a time, date and place reasonably convenient to the public. Public bodies may hold meetings with shorter notice and in less-than-convenient times, dates and places only with "good cause", the nature of which must be stated in the meeting's minutes. Finally, public governmental bodies proposing to hold a closed meeting, record or vote shall give notice of the time, date, and place of such meeting as well as the reason for holding the closed session.
- including a new section granting the right to bring a civil suit against a member of a public body violating the access law. A guilty member may be fined not more than $100 and assessed reasonable costs and attorney's fees.

IN THE INTERIM. . .

Until the lawsuit is resolved, the University has greater discretion in the opening of its records and meetings to the public. It continues to control the official flow of information.

Sharon Yoder of University Relations said the chairpersons of University committees are "encouraged" to open their meetings to the public, but are not required to do so. Yoder draws committee members' attention to the new law's provision for fines for purposeful violation of the access requirements.

Yoder also said she encourages University employees to carefully question whether a record should remain private and stresses that the University's regular policy is in favor of openness.

Robert Mussman, assistant director for University Relations, noted that several University-system level meetings were opened to the public in the summer of 1982. The meetings include the President's Cabinet, comprised of the chancellors, presidents and vice presidents from the several University campuses, and the system-wide Public Relations Council. The meetings were opened, Mussman said, because the **Tribune**'s lawsuit focused attention on the issue and value of open meetings.

Other signs of progress, small cracks of light, have appeared. McConnell said he saw improvement in the release of documents during the year and a half he covered the University. About a month after the **Tribune** filed suit, Chancellor Schooling brought documents, instead of the usual press releases, to a press conference. However, the University used the pending litigation as an excuse for withholding records of payments to performers appearing in the school's performance hall.

One of the documents originally sought by McConnell eventually was released to the press. The hospital task force report became public when the current chancellor, Barbara Uehling, announced plans to reorganize the financial management of the University Medical Center.

In addition, the Board of Curators loosened up requirements for attendance at their regular meetings by eliminating the requirement that visitors have passes to enter the meetings.

Even as such improvements came about, McConnell kept "pounding away" at the University on its access policies and needling officials about mistakes. "Once I got them on the practice of handing out news releases on Board of Curators meetings telling you what the Board of Curators did before they ever met", he said. "It was written in the past tense, and they hadn't even made the decision, which added more credence to my claim that work was being done at dinner meetings." Eventually, the University began using the present tense, he said.

Surprisingly, McConnell's involvement with the access suit did not seem to harm his relationship with University officials. In fact, he said, it may have helped him to obtain stories: "It opened up a lot of avenues, from people who respected the paper, respected me for pursuing the law. . . . The University's not a monolith. Maybe the top echelon is, but below that level there are a lot of people who are willing to cooperate because they don't like what's going on."

At this time, the future of full public access to University records and meetings lies in the hands of the Missouri Court of Appeals. A clear lesson, though, of the lawsuit is that a statute alone cannot guarantee public access to records and meetings. If a governmental body questions the applicability of a sunshine law, the issue can be tied up in court for extended periods of time. The public body can spend taxpayers' money to prevent the public from learning the details of how public money is spent.

Ultimately, the news organization seeking access must have the time, energy and the money to pursue the issue to its final resolution. The two-year delay in the **Tribune**'s suit resulted because Henry Waters ran out of one or all of those elements.

The alternative is for a reporter to burrow into the government body in question. The reporter must devise other ways to obtain information, just as McConnell grew to develop his own channels of information at the University. Although McConnell relied more and more on informal sources of information, he continued to defend the purpose of the Sunshine Law:

> It still ought to be there because not everybody's a journalist and the general public may have the opportunity to use the Sunshine Law once in 10 years, but they need to be able to have it there when they want to use it. They're not going to be there every day like a journalist and they've got very intimate, personal-type concerns that probably journalists don't care about.

FOOTNOTES

1. CURATORS OF THE UNIVERSITY OF MISSOURI V. NEILL, 397 SW 2d 66 (Mo. En Banc 1966) and Curators of the UNIVERSITY OF MISSOURI V. PUBLIC EMPLOYEES LOCAL NO. 45, 520 SW 2d 54 (Mo. En Banc 1975).
2. HEIMBERGER V. BOARD OF CURATORS OF THE UNIVERSITY OF MISSOURI, 188 SW 128 (1916; and CURATORS OF THE UNIVERSITY OF MISSOURI V. PUBLIC SERVICE EMPLOYEES LOCAL NO. 45.
3. 520 SW 2d 54 (Mo. En Banc 1975).